

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	No. 3:18-CR-103-RLJ-DCP
)	
SEAN M. PHILLIPS,)	
)	
Defendant.)	

ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation. Now before the Court is Defendant's Motion to Withdraw as Attorney [Doc. 56], filed by Attorney Philip Lomonaco on July 6, 2021, as well as Defendant's Motion to Substitute Attorney [Doc. 59], filed by Attorney Joshua Hedrick on July 12, 2021.

On September 19, 2019, the undersigned appointed Assistant Federal Defender Mary Margaret Kincaid and the Federal Defender Services of Eastern Tennessee ("FDSET") to represent Defendant. [Doc. 13].¹ A plea agreement was entered on February 4, 2020 [Doc. 23], Defendant entered a guilty plea as to Count One of the Superseding Indictment on February 19, 2020 [Doc. 25], and Defendant is currently awaiting sentencing in this case. On March 4, 2021, Attorneys Lomonaco and Jordan Brinkman filed a motion to substitute counsel, stating that they have been retained by Defendant. [Doc. 50]. The Court granted the motion to substitute counsel, relieved the FDSET of their representation of Defendant, and substituted Attorneys Lomonaco and Brinkman as counsel of record. [Doc. 51].

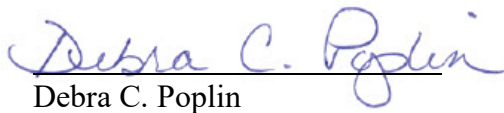
¹ Assistant Federal Defender Nakeisha C. Jackson entered a notice of appearance in this case on August 25, 2020. [Doc. 46].

In the pending Motion to Withdraw [Doc. 56], filed on July 6, 2021, Attorneys Lomonaco and Brinkman move to withdraw from their representation of Defendant, stating that an irreconcilable conflict has developed with requires a withdrawal from their representation.² Subsequently, Attorney Hedrick filed a Notice of Appearance and Motion for Substitution of Counsel [Doc. 59], stating that Defendant has retained him to represent him in this matter and noting the motion to withdraw filed by Attorneys Lomonaco and Brinkman.

The Court finds that Defendant has now retained Attorney Hedrick. Accordingly, Defendant's Motion to Withdraw as Attorney [Doc. 56], filed by Attorneys Lomonaco and Brinkman, as well as Defendant's Motion to Substitute Attorney [Doc. 59], filed by Attorney Hedrick, are **GRANTED**. Attorney Hedrick is **SUBSTITUTED** as Defendant's counsel of record and Attorneys Lomonaco and Brinkman are **RELIEVED** of their representation of Defendant and are **DIRECTED** to provide new counsel with the discovery and information from Defendant's file. Further, Attorney Hedrick is **DIRECTED** to contact District Judge Jordan's Chambers to reschedule Defendant's sentencing hearing.

IT IS SO ORDERED.

ENTER:


Debra C. Poplin
United States Magistrate Judge

² District Judge R. Leon Jordan canceled Defendant's July 8, 2021 sentencing hearing when it referred the Motion to Withdraw to the undersigned [Doc. 58]. The hearing is to be reset upon the substitution of counsel.